

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

A. DAVIES,

Plaintiff,

No. CIV S-03-0014 LKK JFM P

vs.

DR. K. LOW,

Defendant.

ORDER

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Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On December 12, 2005, plaintiff was granted an additional thirty days in which to file his opposition to defendant's motion for summary judgment. On January 17, 2006, plaintiff filed his opposition, and asked the court to accept the filing even though it was sent to the court one day late. (Id., Decl. at 1.) On January 19, 2006, plaintiff filed his statement of disputed facts along with a request that the court accept the late filing in connection with the motion for summary judgment. On January 23, 2006, plaintiff filed a second motion for extension of time to file his opposition, and asked the court to accept his January 17, 2006 filing

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1 as timely. On February 1, 2006, defendant asked for an extension of time to file a reply to
2 plaintiff's opposition should the court grant plaintiff's request.

3 Good cause appearing, plaintiff's requests for extension will be granted.
4 Defendants will also be granted an extension of time to file a reply.

5 On January 23, 2006 and January 26, 2006, plaintiff filed requests for protective
6 orders. These documents were considered in connection with plaintiff's motion for temporary
7 restraining order, which was addressed by this court's January 30, 2006 findings and
8 recommendations. In light of those findings, plaintiff's requests will be denied without
9 prejudice.

10 Finally, in light of the pending motion for summary judgment, and good cause
11 appearing, the deadlines for filing pretrial statements, and the dates set for pretrial conference and
12 jury trial will be vacated. Said dates will be reset, if appropriate, following resolution of
13 defendant's motion for summary judgment.

14 In accordance with the above, IT IS HEREBY ORDERED that:

15 1. Plaintiff's January 17, 2006, January 19, 2006 and January 23, 2006 requests
16 and motion for an extension of time are granted; and plaintiff's January 17, 2006 opposition and
17 January 19, 2006 statement are deemed timely filed.

18 2. Defendant's reply, if any, shall be filed seven days from the date of this order.

19 3. Plaintiff's January 23, 2006 and January 25, 2006 requests for protective
20 orders are denied without prejudice.

21 4. The parties are relieved of the obligation to file pretrial statements until further
22 order of court;

23 5. The February 24, 2006 pretrial conference on the papers before the
24 undersigned is vacated;

25 6. Jury trial set for May 16, 2006 before the Honorable Lawrence K. Karlton is
26 vacated; and

1 7. The dates vacated by this order will be reset, if appropriate, following
2 resolution of defendants' motion for summary judgment.

3 DATED: February 9, 2006.

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6 UNITED STATES MAGISTRATE JUDGE

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